REMARKS

The Applicants have studied the Office Action mailed March 21, 2008 and have made amendments to claim 3, 10, and 16. By virtue of this Response, claims 3-7, 10-14 and 16-20 are pending. It is submitted that the application is in condition for allowance. Reconsideration and allowance of the pending claims in view of the amendments and following remarks are respectfully requested. In the Office Action the Examiner:

In the Office Action, the Examiner:

- rejected claims 3, 6-7, 10, 13-14, 16, and 19-20 under 35 U.S.C. § 102(e) as being anticipated by Ratliff et al. (U.S. Pre-Grant Publication No. 2003/0191725); and

- rejected claims 4, 5, 11-12, and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Ratliff et al. (U.S. Pre-Grant Publication No. 2003/0191725) and in view of Maritzen et al. (US Pre-Grant Publication No. 2002/0052797).

Rejection of Claims Under 35 U.S.C. §102(e) in view of Ratliff

As noted above, the Examiner rejected claims 3, 6-7, 10, 13-14, 16, and 19-20 under 35 U.S.C. § 102(e) as being anticipated by Ratliff et al. (U.S. Pre-Grant Publication No. 2003/0191725).

Applicants have amended the independent claims to more clearly recite:

> displaying, at a first website, a product and/or service for sale on the first web site, wherein the product and/or service is available for purchase in one or more configurations, and wherein the one or more configurations comprise a plurality of configurable hardware and/or software components, each configurable hardware and/or software component being associated with a first purchase price that is displayed to a user buyer;
> receiving a selection from the user buyer for a plurality of configurable hardware and/or software components for configuring the product and/or service for sale;
> receiving an order at] the first web site directly from the user buyer for the product and/or service for sale on the first web site configured according to the plurality of configurable hardware and/or software components that have been selected by the user buyer, wherein the order is associated with a first selling price comprised of the first purchase price associated with each of the configurable hardware and/or software components that have been selected by the user buyer, and wherein the order comprises a request to purchase the product and/or service

configured according to the plurality of configurable hardware and/or software components that have been selected by the user buyer, wherein the order is received in response to the user buyer selecting a purchase request widget at the first website;

instructing, by the first web site in response to receiving the order, at least one web-crawler to query at least a second website for retrieving at least one competitor's pricing information for the plurality of configurable hardware and/or software components that have been selected by the user buyer, wherein the web-crawler retrieves the at least one competitor's pricing information after the order has been received from the buyer;

reading, by the first website, the at least one competitor's pricing information collected from the at least second web site for the plurality of configurable hardware and/or software components that have been selected in the order received directly from the buyer;

calculating, by the first website, a second selling price for the product and/or service configured according to the plurality of configurable hardware and/or software components that have been selected by the user buyer based on calculating a second purchase price for each of the configurable hardware and/or software components that have been selected by the user buyer according to a competitor's price associated with the at least one competitor's pricing information as follows:

in response to the competitor's price being higher than a highest price that a market will bear, set the purchase price to the highest price that the market will bear;

in response to the competitor's price being; i) lower than the highest price that the market will bear and ii) higher than a lowest profitable price at the first web site, set the purchase at the competitor's price;

in response to the competitor's price being lower than the lowest profitable price at the first web site, set the purchase at the lowest profitable price; and

presenting, by the first website, a second selling price associated with the order calculated based on a second purchase price associated with each of the configurable hardware and/or software components that have been selected by the user buyer, wherein the second purchase price associated with each of the configurable hardware and/or software components has been calculated based on the competitor's price.

Support for this amended can be found in the Specification as originally filed as shown in the Pre-Grant Publication No. 2005/0044000 at, for example, FIG. 3 and paragraphs [0031], [0033], [0036], [0037], [0040], [0052], and [0057]. No new matter has been added.

The Examiner states that Ratliff teaches:

receiving an order at a first web site directly from a buyer for a product and/or service for sale on the first web site (¶¶0008 and. 0017 — note that the network node which may execute the method is the server for a website and can be operated by the airline or intermediary), wherein the product and/or service is available for purchase in one or more configurations (¶¶0035-0036 — note that the travel products i.e. airlines, car rental companies and hotels, can be combined to form a number of travel itineraries, i.e. a plurality of configurations), and wherein the order comprises a request to purchase a selection made by the buyer for at least one of the one or more configurations of the product and/or service (¶¶0149-0150 — note the order is the travel request, i.e. itinerary, which is a selection of travel options with dates);

Applicants respectfully point out that paragraphs [0035]-[0036] of Ratliff do not teach that "the travel products i.e. airlines, car rental companies and hotels, can be combined to form a number of travel itineraries, i.e. a plurality of configurations" as asserted by the Examiner. Paragraphs [0035]-[0036] of Ratliff merely state that the system of Ratliff can be used across these different types of vendors, not that their products can be combined.

In addition, Applicants have amended the independent claims to more clearly recite:

displaying, at a first website, a product and/or service for sale on the first web site, wherein the product and/or service is available for purchase in one or more configurations, and wherein the one or more configurations comprise a plurality of configurable hardware and/or software components, each configurable hardware and/or software component being associated with a first purchase price that is displayed to a user buyer;

Nowhere does Ratliff teach or suggest this claim element. Ratliff is completely silent on "wherein the one or more configurations comprise a plurality of configurable hardware and/or software components, each configurable hardware and/or software component being associated with a first purchase price that is displayed to a user buyer". Accordingly, the presently claimed invention distinguishes over Ratliff for at least this reason.

The Examiner states in the "Response to Arguments" section of the Office Action that:

In response to applicant's argument that an order is not an inquiry but rather a purchase of an item and Ratliff does not teach this (Remarks, pages 10, 14 and 15), applicant is relying upon a feature not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed.Cir. 1993). The claims specifically define an order as a request for a product, i.e. an inquiry. Furthermore, the specification also makes clear that no actual purchase is made until after prices are revealed (page 19). Thus, the order is merely a request or inquiry for a product. Ratliff teaches receiving a request for a selection of configurations of a product that can be for the intended use of purchasing it, as discussed above.

Nowhere does Ratliff teach that a user selects a configuration and submits a request to purchase the configuration. At best, Ratliff merely teaches that a user submits a query for travel services. This is not the same as submitting a request to purchase. Stated differently, the commitment to purchase a service is not made prior to the final pricing in Ratliff i.e. "selecting a purchase request widget at the first website". The focus of Ratliff is to recalculate pricing information prior to displaying that information to a user buyer. Therefore, Ratliff does not teach a user submitting a request to purchase an item but teaches displaying information with modified pricing information so that a user can then make purchase decisions.

Applicants have amended the independent claims to more clearly recite this difference. In particular, Applicants have amended the independent claims to more clearly recite:

> receiving a selection from the user buyer for a plurality of configurable hardware and/or software components for configuring the product and/or service for sale;
> receiving an order at] the first web site directly from the user buyer for the product and/or service for sale on the first web site configured according to the plurality of configurable hardware and/or software components that have been selected by the user buyer, wherein the order is associated with a first selling price comprised of the first purchase price associated with each of the configurable hardware and/or software components that have been selected by the user buyer, and wherein the order comprises a request to purchase the product and/or service configured according to the plurality of configurable hardware and/or software components that have been selected by the user buyer, wherein the order is received in response to the user buyer selecting a purchase request widget at the first website;

In other words, a user is displayed a product with a first selling price and is also displayed a plurality of configuration options each associated with purchase prices. The user then selects the configurable components, which are hardware and/or software components. The website receives this selection made by the user. In addition to the selection of configurable components,

the website also receives an order from the user for the product and/or service which is configured according to the plurality of configurable hardware and/or software components that have been selected by the user. The order includes a request to purchase the product as configured and is received in response to the user buyer selecting a purchase request widget at the website. Nowhere does Ratliff teach or suggest these elements.

The Examiner states that the Specification as originally filed at page 19 states "...no actual purchase is made until after prices are revealed...". However, page 19 clearly states "In one alternative, step 508 occurs before step 506. In this alternative, the web site 104 collects pricing information (step 506) from competitor web sites during or after the transaction of user 102 (step 508). That is, the web site 104 checks competitor pricing information after or during the user transaction of placing an order for a product or service." Accordingly, the Specification as originally filed clearly shows that a user selects a particular configuration and requests to purchase that configuration as compared to searching for a product as Ratliff teaches.

Therefore, nowhere does Ratliff teach or suggest "receiving a selection from the user buyer for a plurality of configurable hardware and/or software components for configuring the product and/or service for sale; receiving an order at the first web site directly from the user buyer for the product and/or service for sale on the first web site configured according to the plurality of configurable hardware and/or software components that have been selected by the user buyer, wherein the order is associated with a first selling price comprised of the first purchase price associated with each of the configurable hardware and/or software components that have been selected by the user buyer, and wherein the order comprises a request to purchase the product and/or service configured according to the plurality of configurable hardware and/or software components that have been selected by the user buyer, wherein the order is received in response to the user buyer selecting a purchase request widget at the first website;" Accordingly, the presently claimed invention distinguishes over Ratliff for at least these reasons.

The Examiner also states that Ratliff teaches:
• instructing, by the first web site in response to receiving the order, at least one web-

crawler to query at least a second website for retrieving at least one competitor's pricing information for the at least one or more configurations in the order received directly from the buyer, wherein the web-crawler retrieves the at least one competitor's pricing information after the order has been received from the buyer ((¶¶0186 and 0189);

reading, by the first website, the at least one competitor's pricing information collected from at least second web site for the at least one of the one or more configurations in the order received directly from the buyer ((0189);

before presenting a selling price to a buyer by the first website, calculating by the first website, the selling price for the at least one of the one or more configurations in the order received directly from the buyer of the product and/or service based on a competitor's price associated with the at least one competitor's pricing information as follows: in response to competitor's price being higher than a highest price that a market will bear, set the selling price to the highest price that the market will bear, in response to the competitor's price being; i) lower than the highest price that the market will bear and ii) higher than a lowest profitable price at the first web site, set the selling price at the competitor's price, and in response to the competitor's price being lower than the lowest profitable price at the first web site, setting the selling price at the lowest profitable price (¶¶0011, 0037, 0052-0056 and 0078 — note that the price the market depends on the market and can be the price that the buyer is willing to purchase at, the price that the agent has negotiated with, the price that reflects a minimum profit margin, or a number of other prices, that profitable means simply that no loss occurs, and that the companies decide which rules they want to apply to pricing including profitability, competitiveness, revenue goals, or other factors such as marketing opportunities). Ratliff also discloses that it is old and well known in the art for suppliers to research their competitors' prices and set their own prices accordingly (¶¶0010-0011) and that the invention of Ratliff facilitates suppliers to do this electronically (¶0011); and

presenting, by the first website, the at least one of the one or more configurations of the product and/or service which has been ordered for the selling price which has been calculated based on the competitor's price (¶0191)

However, Applicants have amended the independent claims to more clearly recite:

instructing, by the first web site in response to receiving the order, at least one web-crawler to query at least a second website for retrieving at least one competitor's pricing information for the <u>plurality of configurable hardware and/or software components that have been selected by the user buyer</u>, wherein the web-crawler retrieves the at least one competitor's pricing information after the order has been received from the buyer;

reading, by the first website, the at least one competitor's pricing information collected from the at least second web site for <u>the plurality of configurable hardware and/or software components that have been selected in</u> the order received directly from the buyer;

calculating, by the first website, <u>a second</u> selling price for the <u>product and/or service configured according to the plurality of configurable hardware and/or software components that have been selected by the user buyer</u> based on <u>calculating a second purchase price for each of the configurable hardware and/or software components that have been selected by the user buyer according to</u> a competitor's price associated with the at least one competitor's pricing information as follows:

in response to the competitor's price being higher than a highest price that a market will bear, set the <u>purchase</u> price to the highest price that the market will bear;

in response to the competitor's price being; i) lower than the highest price that the market will bear and ii) higher than a lowest profitable price at the first web site, set the <u>purchase</u> at the competitor's price;

in response to the competitor's price being lower than the lowest profitable price at the first web site, set the <u>purchase</u> at the lowest profitable price; and

presenting, by the first website, <u>a second selling price associated with the order calculated based on a second purchase price associated with each of the configurable hardware and/or software components that have been selected by the user buyer, wherein the second purchase price associated with each of the configurable hardware and/or software components</u> has been calculated based on the competitor's price.

With respect to an actual user shopping for a product, paragraphs [0147]-[0152] of Ratliff clearly show the differences between the presently claimed invention and Ratliff. For example, paragraphs and [0147]-[0152] of Ratliff state:

The web browser then sends a request in accordance with the HTTP protocol to web server B 122 to retrieve the travel-related web document using the URL. Web server B 122 responds by transmitting the web document to client 114. Once the customer receives the web document on the web browser 103, the customer may enter the travel request (e.g., the dates of travel and the approximate arrival and departure times) into the web document.

The web browser then submits the travel request to web server B 122, web server B 122 may process the request by: (1) using recently acquired travel information stored in cache or information acquired through a batch process and rule processing engine 124; (2) submitting a request to a server, such as Server C 126, operated by a product or service provider for processing on rule processing engine 128; and/or (3) requesting price information from a server, such as Server C 126,

operated by a product or service provider, and processing the received information on rule processing engine 124 (server B 122).

After rule processing engine (124 and 128) process the request by applying the supplier's business rules to its current fares, a response is returned through server B 122 to web browser 103. Web browser 103 presents the customer with the response which includes the most competitive price the supplier is willing to offer for the particular travel request.

It is important to note that this exemplary embodiment is not limited to the request being processed for or by only one supplier. The request may be processed in web server B 122 for a number of product or service providers and/or the request may be submitted to a number of servers, such as server C 126, for processing on the individual product or service provider's computer system.

As can be seen, Ratliff explicitly teaches that a user submits query terms to locate a product/service. Prior to the product/services being returned to the user, the pricing information is modified accordingly. (Also see paragraph [0037] of Ratliff). Nowhere does Ratliff teach or suggest displaying a first selling price associated with a product comprised on the purchase prices of the product's configurable components, then receiving a users request to purchase a selected configuration of a product at a first selling price, collecting pricing information from a second website for a competitor's pricing information for the configurable components, then presenting a second selling price for the select product that the user has requested to purchase based on the competitor's pricing information for the selected configurable components. Accordingly, the presently claimed invention distinguished over Ratliff for at least these reasons as well.

Applicants respectfully remind the Examiner that a proper rejection under 35 U.S.C. § 102(b) requires that a <u>single reference teach</u> (i.e., identically describe) each and every element of the rejected claims, which Ratliff does not do.[1]

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[1] See MPEP §2131 (Emphasis Added) "A claim is anticipated only if <u>each and every element</u> as set forth in the claim is found, either expressly or inherently described, in a <u>single</u> prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

Independent claims 10 and 16 have been amended to recite similar limitations as independent claim 3. Applicants believe that independent claims 10 and 16 of the present invention distinguish over Ratliff for at the reasons stated above as well.

For the foregoing reasons, independent claims 3, 10, and 16 distinguish over Ratliff. Claims 6-7, 10, 13-14, and 19-20 depend from claims 3, 10, and 16, respectively, since dependent claims contain all the limitations of the independent claims, claims 6-7, 10, 13-14, and 19-20 distinguish over Ratliff as well, and the Examiner's rejection should be withdrawn.

Rejection of Claims Under 35 U.S.C. §103(a) in view of Ratliff/ and Maritzen

As noted above, the Examiner rejected claims 4, 5, 11-12, and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Ratliff et al. (U.S. Pre-Grant Publication No. 2003/0191725) in view of Maritzen et al. (US Pre-Grant Publication No. 2002/0052797). Applicants believe that the amended independent claims 3, 10, and 16 of the present invention should be allowed for at least the reasons previously stated hereinabove. Claims 4, 5, 11, 12, 17, and 18 depend from claims 3, 10, and 16 respectively. Since dependent claims contain all the limitations of the independent claims, claims 4, 5, 11, 12, 17, and 18 distinguish over Ratliff and Maritzen, alone and/or in combination with each other as well, and the Examiner's rejection should be withdrawn.

CONCLUSION

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR § 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of

record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account 50-0510.

PLEASE CALL the undersigned attorney at (561) 989-9811 should the Examiner believe a telephone interview would help advance prosecution of the application.

Respectfully submitted,

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